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Attorney for Defendant
NEHEMIAH AVILA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

NEHEMIAH AVILA, CEASAR MARTINEZ,
and RICARDO MARMOLEJO,
Defendants.

Case No.: 2:21-cr-020 TLN

STIPULATION AND ORDER
CONTINUING STATUS CONFERENCE
AND EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT

Date: June 9, 2022
Time: 9:30 a.m.
Court: Hon. Troy L. Nunley

Plaintiff United States of America by and through Assistant United States Attorney
Adrian Kinsella, and Attorney Todd Leras on behalf of Defendant Nehemiah Avila, Attorney
Michael Long on behalf of Defendant Ceasar Martinez, and Attorney Dina Santos on behalf of
Defendant Ricardo Marmolejo, stipulate as follows:

1. This matter is presently set for status conference on June 9, 2022. By this
stipulation, Defendants Avila, Martinez, and Marmolejo move to continue the status
ORDER CONTINUING STATUS
CONFERENCE

- 1 conference to September 15, 2022. The government does not oppose the request.
- 2 2. This case involves a conspiracy to distribute controlled substances. Investigation of
- 3 the matter included the use of court-authorized wiretaps. The government has
- 4 provided defense counsel with a significant volume of discovery materials, including
- 5 hundreds of audio files of intercepted calls, written reports, and wiretap authorization
- 6 requests.
- 7
- 8 3. Defendants Avila and Martinez are in pre-trial detention at the Sacramento County
- 9 Main Jail. Defense counsel for both Mr. Avila and Mr. Martinez are conducting
- 10 client meetings at the jail for the purpose of reviewing discovery and undertaking
- 11 defense investigation. The global pandemic continues to make scheduling these
- 12 meetings more difficult than before the virus outbreak.
- 13
- 14 4. Given the need for defense preparation and follow-up investigation, Defendants
- 15 Avila, Martinez, and Marmolejo request to continue the status conference in this
- 16 matter to September 15, 2022, at 9:30 a.m., and to exclude time between June 9, 2022
- 17 and September 15, 2022, inclusive, under Local Code T-4.
- 18
- 19 5. All defense counsel represent and believe that failure to grant additional time as
- 20 requested would deny Defendants Avila, Martinez, and Marmolejo the reasonable
- 21 time necessary for effective preparation, considering the exercise of due diligence.
- 22
- 23 6. Based on the above-stated facts, Defendants Avila, Martinez, and Marmolejo request
- 24 that the Court find that the ends of justice served by continuing the case as requested
- 25 outweigh the best interest of the public and the Defendants in a trial within the time
- 26 prescribed by the Speedy Trial Act.
- 27

- 1 7. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et*
2 *seq.*, within which trial must commence, the time period of June 9, 2022 to September
3 15, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), and
4 (B) (iv) [Local Code T-4] because it results from a continuance granted by the Court
5 at Defendants' request on the basis that the ends of justice served by taking such
6 action outweigh the best interest of the public and the Defendants in a speedy trial.
7
8 8. Nothing in this stipulation and order shall preclude a finding that other provisions of
9 the Speedy Trial Act dictate that additional time periods are excludable from the
10 period within which a trial must commence.
11

12 Assistant U.S. Attorney Adrian Kinsella, Attorney Michael Long on behalf of Defendant
13 Ceasar Martinez, and Attorney Dina Santos on behalf of Defendant Ricardo Marmolejo have
14 reviewed this stipulation and proposed order and authorized Todd Leras via email to sign it on
15 behalf of their respective clients.
16

17 DATED: June 3, 2022

PHILLIP A. TALBERT
United States Attorney

18 By /s/ Todd D. Leras for
19 ADRIAN T. KINSELLA
20 Assistant United States Attorney

21 DATED: June 3, 2022

By /s/ Todd D. Leras
22 TODD D. LERAS
23 Attorney for Defendant
NEHEMIAH AVILA

24 DATED: June 3, 2022

25 By /s/ Todd D. Leras for
26 MICHAEL D. LONG,
27 Attorney for Defendant
CEASAR MARTINEZ

28 ORDER CONTINUING STATUS
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1 DATED: June 3, 2022

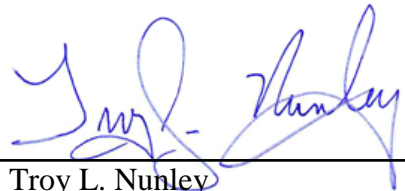
2 By /s/ Todd D. Leras for
3 DINA SANTOS
4 Attorney for Defendant
5 RICARDO MARMOLEJO
6
7

8 **ORDER**

9 BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is
10 hereby ordered that the status conference in this matter, scheduled for June 9, 2022, is vacated.
11 A new status conference is scheduled for September 15, 2022, at 9:30 a.m. The Court further
12 finds, based on the representations of the parties and the request of all defense counsel, that the
13 ends of justice served by granting the continuance outweigh the best interests of the public and
14 the Defendants in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. §
15 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into
16 consideration the exercise of due diligence for the period from June 9, 2022, up to and including
17 September 15, 2022.
18

19 IT IS SO ORDERED.
20

21
22 DATED: June 6, 2022

23 
24 Troy L. Nunley
25 United States District Judge
26
27

28 ORDER CONTINUING STATUS
CONFERENCE